

## REMARKS

This Response is submitted in response to the Non-Final Office Action dated July 8, 2009. Claims 7-16 are pending in this Application and Claims 7-16 are rejected. In the amendment, Claims 7-9, 11-13, and 16 are amended and Claim 17 is newly added. The amendment does not add new matter. In view of the amendment and/or for the reasons set forth below, Applicants respectfully submit that the rejections are improper and should be withdrawn.

### **Rejections under 35 U.S.C. 102 and 35 U.S.C 103**

In the Office Action, Claims 7-13, 15 and 16 are rejected under 35 U.S.C. §102(e) as being anticipated by newly cited U.S. Patent Publication No. 2001/00007815 to Philipsson ("Philipsson"). Claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2001/00007815 to Philipsson ("Philipsson"), as applied to claim 13 above, further in view of newly cited U.S. Patent Publication No. 2004/0193402 to Nolan et al. ("Nolan"). Applicants traverse the rejections for at least the reasons set forth below.

#### *Independent Claim 7*

Claim 7 has been amended to recite, in part, "A communication system having a plurality of communication apparatuses... wherein each communication apparatus can act as an initiator of a communication by a first communication protocol and a target of a communication by a first communication protocol." The amendment is fully supported by the specification. For example, see paragraph [0051] and Fig. 4 of the specification.

The Examiner previously relied on Philipsson's stationary unit and mobile communication device to teach the claimed "plurality of communication apparatuses." Office Action, page 3, lines 17-20. However, Philipsson teaches that the stationary point of sale terminal 12 (stationary unit) always acts as the initiator and the payer terminal 10 (mobile communication device) always acts as the target. See Philipsson, paragraph [0025]. Furthermore, payer terminal 10 is not physically capable of acting as an initiator. The payer terminal 10 includes a transponder 22 for receiving an interrogation signal from the stationary point of sale terminal 12. Philipsson, Fig. 2.

The transponder is capable of receiving an interrogation signal transmitted from the sale terminal 12 and separating the radio-frequency energy from the received

signal. *This energy is [utilized] by the transponder for supplying its operation.* Thus, the interrogation signal is [analyzed] and a respond signal including the unique identification number is [sent] to the sale terminal 12.

Philipsson, paragraph [0022] (emphasis added). Thus, payer terminal's transponder 22 only has energy to operate after receiving an interrogation signal. Also see Fig. 2 illustrating the transponder 22 being independent of the battery 24. Therefore, the payer terminal is not physically capable of acting as an initiator by a first communication protocol because the transponder lacks power to act as such. Thus, Philipsson fails to disclose or suggest "each communication apparatus can act as an initiator of a communication by a first communication protocol and a target of a communication by a first communication protocol" as recited in Claim 7.

#### *Independent Claims 8 and 11-13*

Claim 8 has been amended to recite, in part, "acquisition means for acquiring identification information of the other communication apparatus by the communication executed by the first communication protocol before acquiring protocol information of a communication protocol available by the other communication apparatus through the communication executed by the first communication protocol." Claims 11-13 are similarly amended. The amendment is fully supported by the specification. For example, see paragraphs [0119]-[0121] and Fig. 13 of the specification.

Philipsson, paragraph [0025] teaches an interrogation signal is transmitted from the point of sale terminal 12 to a pay terminal via the second short-range communication link. "A respond signal, including a unique identification number of the pay terminal A stored in the storage means of the transponder, is generated in the microchip in step 52 and transmitted through the second communication link to the point of sale terminal 12 via its second communication unit 43 or 45." Philipsson, paragraph [0025]. Authentication then takes place and a connection via the first short-range radio link is established. Thus, the only information that pay terminal 12 receives from pay terminal is a respond signal, including an ID number of the pay terminal.

Regarding exemplary Claim 8, the amendment clarifies that the claimed acquisition means acquires two different kinds of information: identification information and protocol information of a communication protocol available by the other communication apparatus.

Applicants submit Philipsson does not teach acquiring both identification information and protocol information. Moreover, the amendment clarifies that the identification information is acquired *before* the protocol information. Thus, even if, arguendo, Philipsson's respond signal includes both the claimed identification and protocol information, they are received at the same time and the identification information is not acquired before the protocol information.

#### *Dependent Claim 16*

Claim 16 has been amended to recite, in part, "a transaction ID and a transaction key are exchanged with the second communication apparatus for mutual authentication, through the communication using the first communication protocol, wherein mutual authentication occurs after acquiring the identification information and before acquiring the setting information." The amendment is fully supported by the specification. For example, see paragraphs [0118]-[0122] and Fig. 13 of the specification.

First, Applicants submit that Philipsson fails to disclose "a transaction ID and a transaction key." The Examiner relies on Philipsson's summary, paragraph [0008], to allegedly teach "ID information is exchanged for authentication." Office Action, page 9, lines 9-13. However, as clarified in Philipsson's detailed description, the identification number referred to in the summary is a unique identification number of a particular pay terminal and not a transaction ID and transaction key. Philipsson, paragraph [0020].

Second, Applicants submit that Philipsson fails to teach "mutual authentication." Philipsson merely teaches that the point of sale terminal performs authentication, and not *mutual* authentication by the point of sale terminal and the pay terminal. Philipsson, paragraph [0025], lines 12-18.

Third, Applicants submit that Philipsson fails to teach "mutual authentication occurs after acquiring the identification information and before acquiring the setting information" as currently claimed.

Applicants respectfully submit that Nolan fails to cure the deficiencies of Philipsson. Accordingly, Applicants respectfully request the anticipation and obviousness rejections with respect to independent Claims 7, 8, and 11-13, and the claims that depend thereon, be reconsidered and the rejections withdrawn.

### **New Claims**

Applicants further note that Claim 17 is newly added. Claim 17 recites, in part, "wherein the communication apparatus is a mobile apparatus and the second communication apparatus is a mobile apparatus." The amendment is fully supported by the specification. For example, see paragraph [0036] of the specification.

Applicants respectfully submit that the subject matter as defined in the newly added claims is patentable over the cited art of record for at least the same reasons as discussed above, and for the additional patentable elements recited therein. For example, Philipsson teaches a communication between a stationary unit and a mobile communication device. Philipsson, Abstract and paragraph [0016].

### **Conclusion**


For at least the foregoing reasons, Applicants respectfully submit the present application is in condition for allowance and earnestly solicit reconsideration of the same.

The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

Respectfully submitted,

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Dated: October 8, 2009